

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ANTHONY CARR

PETITIONER

VS.

CIVIL ACTION NO. 3:19-CV-274-DMB

NATHAN CAIN, Mississippi Corrections Commissioner;
LYNN FITCH, Mississippi Attorney General

RESPONDENTS

**RESPONDENT'S MOTION FOR RECONSIDERATION OF ORDER
GRANTING MOTION TO STAY IN PART AND DENYING MOTION TO
STAY IN PART (Doc. 47).**

Respondents, Mississippi Corrections Commissioner and Mississippi Attorney General, move this Court to reconsider its December 6, 2022 Order granting in part and denying in part petitioner Anthony Carr's Motion to Stay and Abey Proceedings. (Doc. 47).

This Court granted Carr's Motion to Stay this federal habeas proceeding in part and denied it in part. (Doc. 47). This Court's Order granted Carr's Motion to Stay and Abey these proceedings, but only as to his second claim. There Carr alleged that his post-conviction relief attorneys were ineffective. (Doc. 40 at 2; Doc. 41 at 7). Because Carr has no federal right to adequate PCR counsel, he cannot be entitled to a writ of habeas corpus, even if he proves his claim as it is articulated in his federal habeas petition. Accordingly, Respondents ask this Court to reconsider its December 6, 2022, Order and enter a new order denying Carr's Motion to Stay and Abey Proceedings in

totality. Respondents have attached to this Motion a Memorandum in support for this Court's consideration.

WHEREFORE, PREMISES CONSIDERED, Respondents respectfully requests the Court enter a new order, overruling its first Order Granting in Part and Denying in Part, (Doc. 47) and enter a new order lifting the stay and denying Carr's Motion to Stay and Abey these proceedings in totality.

RESPECTFULLY SUBMITTED, the 14th day of December 2022.

**BURL CAIN, Commissioner, Mississippi
Department of Corrections;
LYNN FITCH, Attorney General of the
State of Mississippi**

By: /s/ Parker Proctor Jr.
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CERTIFICATE OF SERVICE

I, Parker Proctor Jr., certify that I have electronically filed this document with the Clerk of the Court using the ECF system, which sent notification to all counsel of record, and mailed, via U.S. Mail, postage pre-paid to the following:

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THIS, the 14th day of December, 2022.

LYNN FITCH
Attorney General of Mississippi

/s/ Parker Proctor Jr.

Parker Proctor Jr.

Counsel for Respondent